

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 7177

BILL NUMBER: SB 524

DATE PREPARED: Jan 9, 2002

BILL AMENDED:

SUBJECT: Sex Offender Registry.

FISCAL ANALYST: Mark Goodpaster

PHONE NUMBER: 232-9852

FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill has the following provisions:

(A) It provides that a sex and violent offender must register with the county sheriff (instead of all local law enforcement agencies).

(B) It provides that all clerical functions related to registration may be performed by using a registration form.

(C) It requires the Criminal Justice Institute to send a copy of the Sex and Violent Offender Directory to certain parties on computer disk, and requires the Institute to send a paper copy of the directory upon request.

(D) It provides that a person must register in Indiana if the person owns property in Indiana or spends seven or more days in Indiana in a 180-day period.

(E) It provides that a person who damages or defaces a copy of the directory commits criminal mischief: (1) as a Class A misdemeanor if the person is not required to register; and (2) as a Class D felony if the person is required to register.

(F) It repeals provisions concerning the current sex and violent offender registry.

Effective Date: July 1, 2002.

Explanation of State Expenditures: Three provisions in the bill could increase the additional fields and records that would be needed in the data base.

- Sex offenders who own property, but do not currently reside in Indiana.
- Added fields for previous names by which the offender was known and hair color to the registry. (Under current law, the registry includes the following data fields: full name, birth date, sex, race, height, weight, eye color, social security number, driver's license number and home address.)
- Requiring offenders released from Department of Correction (DOC) facilities to community correction programs to register.

The Criminal Justice Institute should be able to accommodate these changes with its current budget.

Provision E: A Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor depending upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$22,131 in FY 2000. Individual facility expenditures ranged from \$16,442 to \$40,312. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. The average length of stay in DOC facilities for all Class D felony offenders is approximately ten months.

Explanation of State Revenues: Provision E: If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class D felony is \$10,000 while the maximum fine for a Class A misdemeanor is \$5,000. Fines for either felonies or misdemeanors are deposited in the Common School Fund. If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee for either a felony or misdemeanor that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

Explanation of Local Expenditures: Provision A: Requiring sex offenders to register with the county sheriff (instead of all local law enforcement agencies) would reduce administrative burdens for municipal police departments. Since offenders are already required to register with county sheriffs under current law, this provision should have a limited effect on county sheriffs.

Provision E: If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. The average cost per day is approximately \$44.

Explanation of Local Revenues: Provision E: If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected: Criminal Justice Institute; Department of Correction.

Local Agencies Affected: County Sheriffs; Local law enforcement agencies; Trial courts.

Information Sources: Catherine O'Connor, Criminal Justice Institute; Indiana Sheriffs Association; Department of Correction.